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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,422	10/18/2005	Takashige Fukazawa	KUB-003	1474

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EXAMINER
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LAI, MICHAEL C

ART UNIT	PAPER NUMBER
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2157

MAIL DATE	DELIVERY MODE
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11/08/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/553,422

Applicant(s)

FUKAZAWA ET AL.

Examiner

Michael C. Lai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 1-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 18 oct 2005.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10553422, filed on 10/18/2005. The foreign priority date is 11/10/2003.

### ***Specification***

2. The specification is objected to because of improper arrangement. Correction is required. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

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- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
- (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the

field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

3. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: additive synthesis (e.g., page 3, line 6), head-count data (page 3, line 4), order (page 3, line 12), passing sequence data (page 3, line 6), dispersed by dispersing them on the ground (page 8, line 19), calls (page 8, line 23), operation page vs. operation information (page 10, line 24).

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***Claim Objections***

4. Claims 1-9 are objected to because of the following informalities: "ID" in claim 1, line 3, should be defined.

All dependent claims are objected to as having the same deficiencies as the claims they depend upon.

Appropriate correction is required.

Claim 1 recites "ID production means" in line 3. Examiner suggests replacing with "an ID production means".

Claim 1 recites "page sending means" in line 4. Examiner suggests replacing with "a page sending means".

Claim 1 recites "operation information forwarding means" in line 6. Examiner suggests replacing with "an operation information forwarding means".

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-3 and 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

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Claim 1 recites the limitation "user information means" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the specified user administration means" in lines 8-9. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "memory means" in lines 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said memory means" in lines 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "said user administration servers" in lines 16-17. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the user administration means" in line 23. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "to be connected" in line 23. There is insufficient information regarding what to be connected to what.

Claim 3 recites the limitations "the number of" in line 16 and "the number of" in line 18. There is insufficient information whether it means "the total number of" or something else.

Claim 6 recites the limitation "said synthesis results" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "the lowest level" in line 23. There is insufficient antecedent basis for this limitation in the claim.

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Claim 8 recites the limitation "said numerical values" in line 23. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites the limitation "user information means" in line 9. There is insufficient antecedent basis for this limitation in the claim.

7. The claims (1-9) are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being unpatentable over Barone, Jr. et al. (US 7,228,349 B2, hereinafter Barone), and in view of Mitsunori (JP2003256392, hereinafter Mitsunori).

Regarding claim 1, Barone discloses an aggregation system, comprising

ID production means that produces an ID number for each user [col. 6, lines 36-49, when a user registers with the system, the system inherently assigns an ID to the user for future identification/communication purpose.];

page sending means that sends page information, such as operation information containing said ID number that is sent from a terminal, to a terminal



[col. 4, lines 40-51, two-way communication between the LBS and user terminals, especially during registration.];

operation information forwarding means that receives the operation information containing said ID number that is sent from a terminal [col. 4, lines 40-51, LBS];

a plurality of user administration means for memorizing to memory means the operation information forwarded from the operation information forwarding means together with a reception time information corresponding to the user [FIG. 2B, servers 34 and col. 3, lines 5-7. Note that "a reception time information corresponding to the user" is the same as timestamp, which is well known in the art.]; and

a plurality of said memory means that corresponds to said user administration means, which respectively share and memorize the user information [col. 3, lines 5-7].

Barone doesn't disclose that operation information forwarding means specifies user information means to be connected based on the ID number, and forwards said operation information to the specified user administration means. However, Mitsunori teaches a distribution control means for letting the server associated with the user ID number (the use of  $\text{mod}(\text{ID}, M)$ ) [abstract]. It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the teaching of Mitsunori into Barone's system for efficiently interacting with plural end users over a communication network.

Regarding claim 2, Barone and Mitsunori disclose the aggregation system as described in claim 1, Mitsunori further discloses wherein when the number of said user administration servers is set as  $N$ , the numerical value corresponding to the registration position of the user information in said memory means is set as  $I$ , and the number of said user administration means that registers the users is set as  $M$ , numerical value is expressed by  $ID = I \times N + M$  [abstract and claim 1. Note that Mitsunori uses  $\text{mod}(n, M)$ , where  $M$  is the total number of servers and  $n$  is the number of characters used to constitute a name for specifying the content to distribute. The ID calculation of the instant claim is analogous to Mitsunori's disclosure.].

Regarding claim 3, Barone and Mitsunori disclose the aggregation system as described in claim 2, Mitsunori further discloses wherein said operation information forwarding means specifies the user administration means to be connected based on the remainder obtained by dividing said ID numbers by the number  $N$  of the user administration means, and said user administration means specifies the registration position of the user information in said memory means based on the quotient obtained by dividing said ID numbers by the number  $N$  of said user administration means [abstract and claim 1, the quotient obtained by  $\text{mod}(n, M)$ . The calculation of registration position of the user information is analogous to Mitsunori's disclosure.].

Regarding claim 4, Barone and Mitsunori disclose the aggregation system as described in claim 1, Barone further discloses wherein said system comprises a

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plurality of said operation information forwarding means, and load dispersion means [col. 4, lines 40-51, load balance system has both forwarding and dispersion capabilities] that distributes said operation information sent from terminals to said plurality of operation information forwarding means [col. 4, lines 40-51, load balance system].

Regarding claim 5, Barone and Mitsunori disclose the aggregation system as described in claim 1, Barone further discloses the system further comprising order imparting means that imparts an order to said user information based on at least one of said operation information of the users that is remembered in the plurality of said memory means, and said reception time information [col. 4, lines 40-51, LBS, pass on based on user information and time.].

Regarding claim 6, Barone and Mitsunori disclose the aggregation system as described in claim 5, Barone further discloses wherein a plurality of said order imparting means is provided corresponding to said plurality of said memory means, and comprises: sequence production means that produces a plurality of passing sequences for distributing the information that is remembered in said memory means to said plurality of said order imparting means [col. 4, lines 33-39]; synthesis means that collects and synthesizes said plurality of said passing sequences to be synthesized, and delivers said synthesis results [col. 4, lines 52-56]; conversion means that converts head-count data of synthesized sequences into order data [col. 4, lines 57-67]; and information order imparting means that

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imparts an order to the user information that is remembered in said corresponding memory means based on said order data [col. 5, lines 5-20].

Regarding claim 7, Barone and Mitsunori disclose the aggregation system as described in claim 6, Barone further discloses wherein said passing sequences are an agglomeration of sequence units having a prescribed number of one-dimensional data sequences [col. 7, lines 50-59]; data in which number of the information that has numerical value to be ordered and stored in the sequence position that corresponds to said number is stored in the sequence unit of the lowest level [col. 8, lines 1-7]; a pointer that shows the lowest sequence position is stored in the sequence position that corresponds to the numerical value for which the order in the sequence unit of the multiple upper levels is to be set [col. 8, lines 8-14]; and only a sequence unit for which data that is valid inside or at the lower level exists is produced for the sequence unit [col. 8, lines 26-37].

Regarding claim 8, Barone and Mitsunori disclose the aggregation system as described in claim 6, Barone further discloses wherein said numerical values for which said order is set are scores calculated from the personal information of the users, the environments of the users, the operation information of the users, and elapsed time from the start of reception, and an order is imparted in order starting from the smallest score thereof [col. 7, lines 60-67].

Claim 9 is of the same scope as claim 1. It is rejected for the same reason as for claim 1.

***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

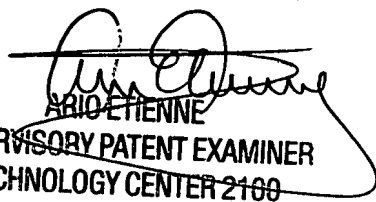
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael C. Lai  
28OCT2007

  
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